

RETURN DATE: MAY 10, 2022 : SUPERIOR COURT
MICHAEL PARSONS, ET AL : J.D. OF HARTFORD
VS. : AT HARTFORD
PLANNING AND ZONING COMMISSION :
OF THE TOWN OF ENFIELD, ET AL : MARCH 17, 2022

CITATION AND SUMMONS

TO ANY PROPER OFFICER:

BY AUTHORITY OF THE STATE OF CONNECTICUT, You are hereby commanded to summon the Planning and Zoning Commission of the Town of Enfield of 820 Enfield Street, Enfield, Connecticut and WE 35 Bacon Road LLC of 150 Baker Avenue Extension, Suite 303 c/o Winstanley Enterprises LLC, Concord, Massachusetts to appear before the Superior Court within and for the Judicial District of Hartford, at Hartford, on the 2nd Tuesday of May, 2022, said appearance to be made by the Planning and Zoning Commission of the Town of Enfield and WE 35 Bacon Road LLC or their attorneys by entering a written statement of appearance with the Clerk of said Court on or before the second day following said return date, then and there to answer unto the foregoing complaint and appeal of Michael Parsons of 2 Lake Drive, Enfield, Connecticut and Anne Collins of 158 Cottage Road, Enfield, Connecticut, by serving upon the Town Clerk of the Town of Enfield two true and attested copies of said complaint and appeal and of this citation and summons and a true and attested copy of said complaint and appeal and of this citation and summons upon WE 35 Bacon Road LLC, all in the manner prescribed by law at least twelve (12) days before said date.

The Plaintiffs, as principals, and Lucy A. Ferreira, of Shelton, Connecticut, as surety, are hereby recognized in the sum of Five Hundred (\$500.00) Dollars to prosecute this appeal to effect, and to comply with all orders and decisions of the Court.

Hereof fail not but of this writ and doings thereon make due service and return.

Dated at Bridgeport, Connecticut this 17th day of March, 2022.



JOEL Z. GREEN
COMMISSIONER OF THE SUPERIOR COURT

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COMPLAINT

To The Superior Court for the Judicial District of Hartford, at Hartford, comes the Plaintiffs, Michael Parsons of 2 Lake Drive, Enfield, Connecticut and Anne Collins of 158 Cottage Road, Enfield, Connecticut, appealing from a decision of the Defendant, the Planning and Zoning Commission of the Town of Enfield (the “Defendant Commission”), of 820 Enfield Street, Enfield, Connecticut, and complains and says:

1. The Defendant Commission is the agency charged pursuant to the provisions of the Connecticut General Statutes and the Zoning Regulations of the Town of Enfield (the “Zoning Regulations”) with, among other powers, the authority to hear and act upon applications for the approval of site plans.

2. Prior to March 3, 2022, the Defendant, WE 35 Bacon Road LLC, filed an application to the Defendant Commission requesting site plan approval (the “Application”) for a proposed warehouse facility to be located upon the premises at 25-35 Bacon Road in Enfield, Connecticut (the “Subject Premises”).

3. The Plaintiff, Michael Parsons, is an owner of the property located at 2 Lake Drive, Enfield, Connecticut that abuts and is within one hundred (100’) feet of the Subject Premises.

4. The Plaintiff, Anne Collins, is an owner of the property located at 158 Cottage Road, Enfield, Connecticut that abuts and is within one hundred (100') feet of the Subject Premises.

5. On March 3, 2022, the Defendant Commission granted the Application, subject to certain conditions (the "Decision").

6. Notice of said Decision by the Defendant Commission was published in accordance with the provisions of the Connecticut General Statutes.

7. The Defendant Commission's actions in granting the Application were illegal, unlawful, arbitrary and in abuse of the powers vested in the Defendant Commission pursuant to the Zoning Regulations and the Connecticut General Statutes for one or more of the following reasons:

a. The Defendant Commission ignored and acted in a manner that is inconsistent with and violates the procedural and substantive requirements and provisions of the Zoning Regulations, the Connecticut General Statutes and the common law of the State of Connecticut;

b. The Defendant Commission did not make required findings of fact or identify sufficient or adequate reasons for its actions pursuant to the Zoning Regulations, the Connecticut General Statutes and the common law of the State of Connecticut; and

c. The Application does not comply with the requirements, standards and conditions necessary for the approval of the Application pursuant to the Zoning Regulations.

8. As the owners of properties that are located in the Town of Enfield and that abut and are within one hundred (100') feet of the Subject Premises, the Plaintiffs are statutorily

aggrieved in accordance with Section 8-8 of the Connecticut General Statutes as a result of the actions of the Defendant Commission.

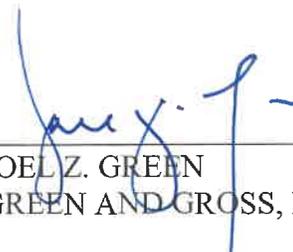
9. The Plaintiffs are also classically aggrieved in that the proposed warehouse and distribution facility and the associated noise, fumes and lights generated from operation of the facility and truck traffic will specifically and negatively impact the Plaintiffs' legal interests in the use and enjoyment of their property and the value of their property.

WHEREFORE, the Plaintiffs pray for a judgment in their favor awarding the following relief:

1. That the Court sustain the Plaintiffs' appeal;
2. That the Court enter an order finding the Defendant Commission's actions were unlawful and null and void and enter an order directing the Defendant Commission to deny the Application;
3. That the Plaintiffs be awarded the costs of this appeal pursuant to Section 8-8(l) of the Connecticut General Statutes; and
4. Such other and further relief as the Court may determine.

THE PLAINTIFFS

BY



JOEL Z. GREEN
GREEN AND GROSS, P.C.

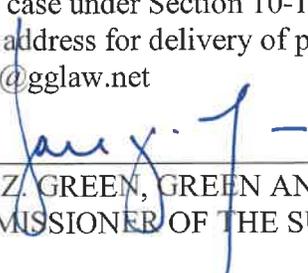
Please enter the appearance of:

The Law Offices of Green and Gross, P.C.
1087 Broad Street, Suite 401
Bridgeport, CT 06604
Juris Number: 405882
Telephone No. (203) 335-5141
Fax (203) 367-9964

In the above entitled case for the Plaintiffs.

Further, Green and Gross, P.C. agrees to accept papers (service) electronically
In this case under Section 10-13 of the Connecticut Practice Book.

Email address for delivery of papers under Section 10-13:
jgreen@gglaw.net



JOEL Z. GREEN, GREEN AND GROSS, P.C.
COMMISSIONER OF THE SUPERIOR COURT